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Paper 94 Filed: December 21, 2010

## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

## Advanced Research and Technology Institute, Inc.

Junior Party (U.S. Patent Applications 08/948,764, 08/955,572 and 10/027,199).

v.

## **Immunex Corporation**

Senior Party (U.S. Patent 7,211,259),

Patent Interference No. 105,662 (MPT) (Technology Center 1600)

Judgment - Bd.R. 127

Before: RICHARD TORCZON, SALLY GARDNER LANE, and MICHAEL P.
TIERNEY, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

1	The Board has entered a Decision on Priority in this interference.
2	(Paper 93). Pursuant to the panel decision on priority, it is:
3	<b>ORDERED</b> that judgment as to the subject matter of Count 1 (Paper 1 at 4)
4	is entered against ARTI's U.S. Patent Applications 08/948,764, 08/955,572 and
5	10/027,199.
6	FURTHER ORDERED that ARTI's involved claims, '572 claims 5-6, 24
7	and 26-31, '764 claims 19-24, 26 and 28-36 and '199 claims 1, 19 and 21-23 are
8	FINALLY REFUSED, 35 U.S.C. § 135(a);
9	FURTHER ORDERED that the parties shall note the requirements of
10	35 U.S.C. § 135(c) and Bd. R. 205; and
11	FURTHER ORDERED that a copy of this judgment be entered in the
12	administrative records of the involved ARTI applications and Immunex patent.
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cc (via electronic filing):
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